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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,058	12/23/2004	Nicolaas Wijnand Keesmaat	PTT-200(402807US)	6854
7265	7590	12/28/2007	EXAMINER	
MICHAELSON & ASSOCIATES			RUTKOWSKI, JEFFREY M	
P.O. BOX 8489				
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			ART UNIT	PAPER NUMBER
			2619	
			MAIL DATE	DELIVERY MODE
			12/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/521,058

Applicant(s)

KEESMAAT ET AL.

Examiner

Jeffrey M. Rutkowski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/23/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Drawings*

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "1" and "7" have both been used to designate a port and a telecommunications network.
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the control section and data section for port 7 (see claim 2) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

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pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-20** are rejected under 35 U.S.C. 102(e) as being anticipated by Petty et al. (US Pat 6,337,858), hereinafter referred to as Petty.

6. For **claims 1 and 11**, Petty teaches an Internet Service Provider (ISP) network (switch fabric) [col. 6 lines 43-46 and figure 6] which contains a Computer Telephony Integration (CTI) hardware bridge 44 (bridging circuit) to interconnect two distinct connections, completing the end-to-end path [col. 5 line 65 to col. 6 line 10]. The two distinct connections allows the call to be controlled by the user or a service subscriber's agent (peripheral apparatus) [col. 5 line 65 to col. 6 line 10]. The switch fabric includes a web server 38, a CTI server 40, and an Operations Administration and Maintenance (OAM) server 52 (computer apparatuses) [col. 10 lines 8-65].

7. For **claims 2 and 3**, which depend from **claims 1 and 2 respectively**, Petty anticipates the use of a control section and a voice data section by disclosing control messages (control

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section) are exchanged in the setup of a Voice Over Internet Protocol (VoIP) call before conversation (voice data section) takes place between two endpoints **[figure 6]**.

8. For **claim 4**, which depends from **claim 1**, Petty teaches the CTI hardware, implemented by a service provider, supports the use of VoIP gateway, Plain Old Telephone Service (POTS) or packet trunk technology environments **[col. 5 lines 54-65]**.

9. For **claim 5**, which depends from **claim 2**, Petty teaches the Computer Telephony Integration (CTI) hardware bridges **44** the two distinct connections **[col. 5 line 65 to col. 6 line 10]** during a VoIP call **[figure 6]**. To establish a VoIP call control messages are passed between network nodes, forming a control network **[figure 6]**.

10. For **claims 6 and 7**, which depend from **claim 1**, Newton's Telecom Dictionary defines a switch fabric as the facility for interconnecting any two service providers. Petty, anticipates the use of a single and a multiple switch fabric by disclosing the capability for a user to make a call from one location to another via the Internet **[col. 10 lines 8-15 and figure 6]**.

11. For **claims 8, 9 and 10**, which depend from **claims 1 and 8 respectively**, Petty teaches control signals are received from two different fabrics interconnected via CTI hardware **44** **[figure 6]** via Internet connection **[col. 10 lines 8-15]**.

12. For **claim 12**, which depends from **claim 1**, Petty teaches the use of a VoIP gateway (signaling gateway) **[col. 5 line 62]**. Petty's apparatus includes a VoIP gateway **42**, a web server **38**, and a CTI server **40** **[col. 6 lines 47-55 and figure 2]**.

13. For **claim 13**, which depends from **claim 12**, figure 6 of Petty shows a computer terminal interacting with Petty's servers.

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14. For **claim 14**, which depends from **claim 1**, Petty teaches commands are used for call establishment and tear down **[figure 6]**.

15. For **claim 15**, which depends from **claim 1**, Petty teaches the use of a billing server **50 [figure 2]**.

16. For **claim 16**, Petty teaches a computer system used by an Internet Service Provider (ISP **[col. 6 lines 10-15 and figure 1]**) that uses CTI hardware to allow voice calls to be placed over the Internet **[col. 5 lines 60-62]**. For each voice call made over the Internet (telecommunication network), two distinct connections (first connection and a second connection) are created, allowing the call to be controlled by the user or a service subscriber's agent (computer apparatus). The CTI hardware bridges the two distinct connections, completing the end-to-end path **[col. 5 line 65 to col. 6 line 10]**.

17. For **claim 17**, which depends from **claim 16**, Petty anticipates the use of control commands by disclosing a CTI server portion of the CTI system interfaces with an H.323 hardware board **[col. 7 lines 22-32]**. Figure 6 of Petty discloses the use of messages (control commands) to establish and tear-down a VoIP connection between two endpoints.

18. For **claim 18**, which depends from **claim 17**, the rejection of claim 16 discloses the distinct connections are interconnected via hardware bridge.

19. For **claims 19 and 20**, which depend from **claims 16 and 19 respectively**, Petty teaches a VoIP call made from a user's terminal to a different user's phone at a remote location, where the information path travels through a CTI server **40** and CTI hardware **44 [col. 10 lines 8-65 and figure 6]**. Messages (control commands) are exchanged between the networks that allows the call to be established between the two endpoints.

*Conclusion*

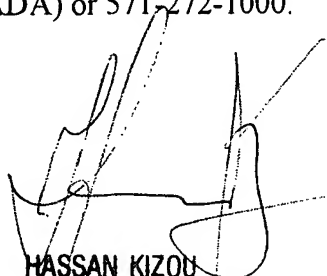
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey M. Rutkowski whose telephone number is (571) 270-1215. The examiner can normally be reached on Monday - Friday 7:30-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey M Rutkowski  
Patent Examiner  
12/03/2007

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